

# YOUTH SERVICES POLICY

<b>Title:</b> Secure Care Early Release and Step Down to Non-Secure <b>Next Annual Review Date:</b> 05/21/2016	<b>Type:</b> B. Classification, Sentencing and Service Functions <b>Sub Type:</b> 2. Classification <b>Number:</b> B.2.13
	<b>Page 1 of 11</b>
<b>References:</b> La. Children's Code Articles 116 (24.2) and 897.1; La. R.S. 15:1405.3; ACA Standards 2-7175 (Juvenile Probation and Aftercare Services), 4-JCF-3A-23, 4-JCF- 3A-24, 4-JCF-3A-25 (Performance-Based Standards For Juvenile Correctional Facilities); YS Policy Nos. B.2.1 "Assignment, Reassignment, Release and Discharge of Youth, B.2.2 "Youth Classification System and Treatment Procedures", B.2.7 LAMOD Program and Youth Stage Procedures", B.2.14 "Secure Care SAVRY", B.2.15 "Substance Abuse Treatment Program", B.2.16 "Secure Care Intake and Assessment of Youth Who Demonstrate Sexual Behavior Problems", B.2.17 "Sex Offender Notification and Registration Requirements", B.2.20 "Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Intersex, Questioning (LGBTQ), and Nonconforming Youth", B.3.1 Secure Care Youth Records; Composition and Maintenance", B.5.1 "Youth Code of Conduct-Secure Care", B.6.7 "Secure Care Suicide Prevention", B.8.11 "Pre-Release Program, C.2.11 "Prison Rape Elimination Act (PREA)", and C.4.1 "Furlough Process and Escorted Absence"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> Mary L. Livers, Deputy Secretary	<b>Date of Approval:</b> 05/21/2015

## I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish the procedures for stepping-down youth from secure care facilities to a less restrictive setting as soon as a youth is deemed eligible through a formalized review process.

## III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Chief of Operations, Deputy Assistant Secretary, Director of Treatment and Rehabilitation, Health Services Director, Director of Education, Regional Directors, Facility Directors, Regional Managers, and the Contracted Health Care Provider (CHP).

Unit Heads are responsible for ensuring adherence to guidelines established through this policy.

**IV. POLICY:**

It is the Deputy Secretary's policy to ensure that all youth are given the opportunity to move through the Office of Juvenile Justice (OJJ) continuum of care that will assist the youth in their rehabilitation/treatment process, and to ensure that youth shall not remain in a secure care facility longer than is indicated. The regional office staff and facility staff shall work together to review each youth's eligibility during every quarterly reclassification staffing.

**V. DEFINITIONS:**

***Community-Based Services (CBS)*** - Formerly known as the Division of Youth Services, including the regional probation and parole offices located throughout the state.

***Consideration for Recommendation of Modification (CRM)*** - A form completed in JETS for use by facility Case Managers to substantiate documentation of recommendation for modification of disposition pursuant to YS Policy No. B.2.1.

***Detainer*** – A warrant placed against a person in a federal, state or local correctional facility that notifies the holding authority of the intention of another jurisdiction to take custody of that individual when he/she is released.

***Early Release*** – The process by which OJJ seeks court approval to move a youth from secure care prior to his full term date. The court may authorize YS to do one of the following: 1) step the youth down to non-secure; 2) release the youth from YS custody and return the youth to the community under supervision; or 3) terminate the youth's disposition.

***Early Release Recommendation*** - A formal recommendation made by regional and secure care facility staff during a quarterly reclassification staffing to consider a youth for placement in a less restrictive setting for the purpose of furthering the rehabilitation/treatment process.

***Individualized Service/Reintegration Plan (ISRP)*** – An initial ISRP shall be developed within 48 hours of a youth's arrival to the intake unit at a secure care facility. The *initial ISRP* specifies problem areas already identified by the initial or latest SAVRY reassessment conducted by CBS. The goals, objectives, and the methods used to attain them while the youth is in secure care shall be updated during intake, including the role of the youth and staff. Development of this plan is accomplished through review of the youth's SAVRY, the youth's record, and is a collaborative effort between the intake Case Manager and the youth.

The *formal ISRP* is further developed by the assigned Case Manager within seven (7) working days of receipt of the contracted health care provider's Psychological Evaluation. The treatment needs are prioritized based upon a review of the youth's SAVRY dynamic risk factors rated "High", and in some cases "Moderate", the youth's record, and any additional recommendations made by the Psychological Evaluation. The *formal ISRP* is modified throughout the youth's stay as need areas are identified, partly based on the dynamic SAVRY risk/need factors. The *formal ISRP* also identifies follow-up services needed by the youth upon release to facilitate a successful transition and reintegration back into the community. The plan is coordinated with CBS and shall be used when completing the aftercare plan.

***Juvenile Electronic Tracking System (JETS)*** - The centralized database used to track all youth under OJJ supervision or custody, and to record youth case record activity.

***LAMOD*** - The catalyst that drives the therapeutic process in Louisiana's secure care facilities.

***LAMOD Youth Stages of Development*** - The four stages that a youth assigned to a secure care facility can advance through while in the custody of OJJ. These stages include: 1) Orientation-Learning and Safety, 2) Emerging-Self Awareness, 3) Adaptation-Applying Skills, and 4) Transformation-Role Model and Leadership.

***LGBTIQ*** - Youth who have identified themselves as lesbian, gay, bisexual or transgender, intersex or questioning their sexual orientation, or gender nonconforming youth. (Refer to YS Policy No. B.2.20)

***Modification of Disposition*** - For purposes of this policy, the process by which the court modifies a previous disposition to include changing the youth's legal custody or placement. A Modification of Disposition order may also terminate an Order of Disposition at any time while the latter is still in force.

***Probation and Parole Officer/Juvenile (PPO/J)*** – PPO/Js assist youth and families in locating, accessing and coordinating networks of support to address needs. PPO/J's shall provide case management services in accordance with need assessments, as well as monitor, facilitate and participate in services provided while the youth is in the custody or supervision of YS.

***Reclassification Staffing*** - A multidisciplinary treatment team meeting which occurs on a quarterly basis between all staff working with or treating a youth for his/her specific needs. The multidisciplinary treatment team meeting shall be comprised of the youth's case manager, a social services supervisor, the dorm group leader, the juvenile justice specialist that supervises the youth, the youth's probation officer (or a representative), a representative from the school (special education teacher if youth is receiving SSD #1 services), the contracted mental health provider (if applicable), a member of the medical staff who is familiar with the youth if he/she is receiving on-going medical treatment, and the youth. The youth's family shall be encouraged

to attend as well. Reclassification staffing shall help monitor the youth's progress, reveal any problem areas that need attention, discuss Code of Conduct violations during the quarter, and discuss interventions that can be utilized to change/alter the youth's behavior. At this time the youth's custody level is reclassified by rescoring his reclassification scale using the information gathered, to include any SAVRY reassessment results.

***Secure Care Center for Youth*** – “A living environment characterized by a range of moderate to high level security facilities that includes construction, fixtures and staff supervision designed to restrict the movements and activities of the residents, and to control, on a 24-hour-basis, the ability of the residents to enter and leave the premises, and which is intended for the treatment and rehabilitation of children who have been adjudicated delinquent.” [Ch. Code Article 116 (24.2)]

The secure care centers operated by YS are as follows:

- Bridge City Center for Youth (BCCY)
- Swanson Center for Youth (SCY)
- Swanson Center Youth @ Columbia (SCYC)
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***Structured Assessment of Violence Risk in Youth (SAVRY)*** - An evidence-based assessment designed to assist professionals in making judgments about a youth's needs for case planning purposes. This assessment comprises 24 risk/need items which were identified in existing research on adolescent development and on delinquency and aggression in youth. Six protective factors are included in the SAVRY which have also been identified by current research as potentially mitigating the risk of future violence and delinquent activity. (Refer to YS Policy No. B.2.14)

***Step Down*** - Youth in secure facilities are placed in a less restrictive setting such as a residential facility, tracker or mentor program.

## VI. EARLY RELEASE CRITERIA:

### A. Qualifications

1. A youth on a “Low” or “Moderate” custody level is eligible for early release consideration.
2. A youth who has a SAVRY summary risk rating of “Low” or “Moderate” for violence may be considered.
3. A youth who has a SAVRY summary risk rating of “High” for violence may be considered with approval by the appropriate Regional Director.
4. A youth who has a SAVRY risk rating of “High” for delinquency may be considered.

5. The youth is making progress in the LAMOD Youth Stages unless special needs prevent him from doing so.
6. The youth has made considerable progress in his/her treatment to be recommended for early release, including being compliant with psychotropic medications or other medications / treatment specified by medical staff.
7. Achievement of acceptable progress in the facility's educational, vocational and specified need areas as identified on the Individualized Service/Reintegration Plan (ISRP).
8. ISRP approved by appropriate secure care and CBS staff.
9. The youth and his/her family shall have participated in three (3) family reintegration meetings. These meetings can involve parenting skills training if the youth has a "High" or "Moderate" risk rating in parental management, and addressing issues of concern in the home that might hinder the youth's success. The last family reintegration meeting must have occurred within the last 60 days.
10. The youth's Probation and Parole Office/Juvenile (PPO/J) has completed a home study.

**B. Disqualifications**

1. Youth on "High" custody level.
2. Youth adjudicated under La. Ch. Code Article 897.1.
3. Youth assigned to a short term program with or without a self-modifying order.
4. A youth who within the last 90 days received one of the following Code of Conduct violations, and was found guilty by the Code of Conduct Committee is not eligible for early release consideration:
  - a. Assault (Youth/Youth) that resulted in injury (threats of assault are not included in these offenses);
  - b. Assault (Youth/Staff) that resulted in injury;
  - c. Contraband violation involving a positive drug screen, cell phone, or weapon;
  - d. Escape;
  - e. Threats and Intimidation should be looked at individually and the team should make a decision on whether the severity of the offense warrants exclusion from early release consideration for 90 days; or
  - f. Gang/gang-like organization/activity

5. A youth who within the last 30 days has received any other Code of Conduct violation other than those listed in VI. B. 5 above is not eligible for early release consideration. A youth being disqualified for early release consideration based on a Code of Conduct violation must be found guilty of the violation by the Conduct Code Committee.

**VII. YOUTH ADJUDICATED DELINQUENT FOR A SEX OFFENSE:**

- A. If a youth being considered for an early release or step down to non-secure is adjudicated delinquent for a sex offense and is required to register, the facility must notify Legal Services to ensure they have knowledge of the request and can follow the court's action in the youth's case.

When the decision made at the staffing is to go forward with an early release recommendation, the facility shall immediately begin completing the sex offender pre-registration process pursuant to YS Policy No. B.2.17.

- B. The pre-registration process requires facility staff do the following:
  1. Review the Notification to Sex Offender Form with the youth and have it signed;
  2. Complete the Pre-Registration Packet for Sex Offenders and fax to Legal Services at least ten (10) days prior to the youth's release;
  3. Scan and email a current picture of the youth to Legal Services; and
  4. Ensure the youth's fingerprint card is part of the file.
- C. A youth shall not be released without notification to Legal Services and completion of the pre-registration packet.

**VIII. PROCEDURES FOR EARLY RELEASE OR STEP DOWN TO NON-SECURE:**

- A. Prior to initiating an early release recommendation or step down to non-secure, the youth's record shall be reviewed and contact made with the PPO/J shall occur to ensure there are no outstanding detainers or pending charges.

Youth who have outstanding detainers shall not be considered for early release or step down to non-secure until the youth's secure care Case Manager has contacted the issuing law enforcement agency/Department of Corrections to determine whether the detainer is still valid.

If the youth's file contains information concerning a pending charge or if the youth's Case Manager is made aware that the youth has a pending charge, the Case Manager shall contact the law enforcement agency/court to determine whether the case is open or has been closed.

The Facility Director is responsible for confirming with the youth's Case Manager that any detainers or pending charges have been identified and their status accurately reflected on the Consideration for Recommendation of Modification (CRM) form in the Juvenile Electronic Tracking System (JETS). The Facility Director shall sign the CRM if a detainer or pending charge was identified.

This process shall be documented in a Weekly Contact Progress Note in JETS within seven (7) working days.

- B. Youth adjudicated by the courts for a "Low" and/or "Moderate" offense, shall be eligible for consideration for an early release or step down to non-secure at the first Quarterly Reclassification Staffing.

Those youth adjudicated by the court for a "High" or "Highest" offense may be considered for step down to non-secure at the first Quarterly Reclassification Staffing; however, shall not be considered for an early release until the second Quarterly Reclassification Staffing.

- C. When a youth who is rated "High" for violence on the SAVRY has met the above criteria and is considered for a Modification of Disposition for an early release, the youth's treatment team shall prepare a request packet which shall be forwarded to the Facility Director for review and approval within seven (7) working days of receipt of the packet.

If approved, the Facility Director shall scan / email the packet to the appropriate Regional Director of the region of origin for their review and approval. The packet of information shall include the following:

1. ISRP Summary of Staffing Form;
2. ISRP;
3. Last two (2) SAVRY Rating forms, if applicable;
4. MHTP's psychological evaluation if dated within a year of the time of consideration; (A request for a new psychological evaluation should be made if the only existing evaluation is over a year old.)
5. Current Monthly Summary;
6. Youth's judgment/order;
7. Updated Progress Report; and
8. Home Study (pursuant to guidelines established in YS Policy No. B.2.1.

The team must enter the ISRP Summary of Staffing form in JETS within seven (7) working days of the staffing, clearly stating the reasons why the youth should be considered for an early release.

- D. Youth who have a “Moderate” summary risk rating for violence, or who have a “High” or “Moderate” summary risk rating for delinquency on their latest SAVRY assessment/reassessment, are eligible for consideration of step down without review of the above information.
- E. Youth shall be reviewed individually to determine the most suitable early release or step down placement. The treatment team at each facility, in conjunction with CBS staff, shall determine the best placement for the youth unless the placement would be in conflict with the youth's court order. If a youth has been identified as a Prison Rape Elimination Act (PREA) victim or perpetrator, his status must be discussed during the staffing. A suitable placement must be agreed upon by both facility and CBS staff. Staff must ensure that the youth's victim or perpetrator does not reside at the location where the youth is being considered for step down. (Refer to YS Policy No. C.2.11)
- F. If not prohibited by court order, a youth who is receiving specialized substance abuse treatment, may be eligible for consideration for an early release or step down to non secure placement, even if treatment has not been completed in the secure or non-secure setting, if an acceptable provider is available in the community to complete the remaining treatment necessary. (Refer to YS Policy No. B.2.15)  
  
If not prohibited by court order, a youth who is receiving specialized sex offender treatment shall not be stepped down until completion of the second phase of treatment; and when there is an acceptable sex offender treatment provider in the community who can provide the third phase of the treatment. (Refer to YS Policy No. B.2.17)
- G. It is critical to work with the family of Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ), and Nonconforming Youth throughout discharge planning to enhance community re-entry efforts. LGBTQ and gender nonconforming youth are frequently estranged from their family. (Refer to YS Policy No. B.2.20)
- H. If YS is notified of an unexpected release date of a youth currently on suicide watch, the contracted Medical/Mental Health Director shall immediately contact the contracted Psychiatrist for consideration of the need for involuntary commitment, based on the youth's current mental health status and assessed risk for self-harm. (Refer to YS Policy No. B.6.7)
- I. It is mandatory that both a Quarterly Progress Report (or two (2) progress reports if the youth has been at the secure care facility for six (6) months), and the ISRP be submitted to the court, with prior approval by Legal Services, with the Modification of Disposition.



- J. The ISRP shall be completed and contain specific information regarding mental health, medical, educational and vocational appointments, dates, and times as needed.
- K. Within five (5) working days of the decision made at the staffing to recommend an early release or step down, the following supporting documentation shall be forwarded to the Facility Director:
  - 1. A hard copy of the progress report(s);
  - 2. The completed ISRP;
  - 3. The last MHTP's psychological evaluation;
  - 4. Education reports;
  - 5. Certificates the youth may have earned; and
  - 6. A copy of the home study completed by CBS.
- L. In the case of early release back into the home of a legal guardian or a parent, a home study shall be completed and the home found acceptable before a youth may be considered for placement in the designated home. If a home is found unacceptable, all efforts shall be focused on locating a suitable family member or consideration shall be given to placing the youth with a mentor family or in a non-secure setting. The home study must have been completed within the last 90 days, with an addendum to the home study completed if circumstances in the home have changed within the 90 day time frame.
- M. In the event the multidisciplinary treatment team do not agree on an early release or step down to non-secure recommendation during the Quarterly Reclassification Staffing, the case shall be referred to the Regional Manager and the Facility Director for a decision. It shall be the responsibility of the facility staff to inform the Facility Director and the Regional Manager of the disagreement. The Facility Director shall contact the Regional Manager to schedule a conference.

If the Regional Manager and the Facility Director agree on a disposition of the matter, the multidisciplinary treatment team shall be notified, and facility staff shall proceed with completing the early release documentation pursuant to the guidelines set by this policy.

If the Regional Manager and the Facility Director disagree, the matter shall be documented on the CRM, and referred by the Facility Director to the appropriate Regional Directors for a final decision, which shall be documented on the CRM by the facility staff. The Regional Director/designee of the requesting facility shall be responsible for the appropriate notifications following the final decision.
- N. If the request for early release or step down to non-secure is approved, the facility staff shall process the request pursuant to the guidelines established herein.

If the youth is denied early release or step down to non-secure placement, the facility staff shall work with the youth to ensure that he/she complies with the recommendations made. The youth may be considered for early release or step down at the next Quarterly Reclassification Staffing or before if eligible, unless the court of jurisdiction has specified a time frame.

- O. Once a Modification of Disposition is “granted” or “denied” by the Court, the Facility Director shall be notified of the decision by the Legal Services representative attending the hearing. The Court Proceeding Summary form and a Weekly Contact Progress Note shall be completed in JETS by the youth’s Case Manager documenting the outcome of the hearing within seven (7) working days.
- P. Youth who are denied an early release or step down to non-secure by the court shall be notified and counseled within 24 hours of the notice by their Case Manager. Documentation of the 24 hour counseling shall be made on a Weekly Contact Progress Note in JETS within seven (7) working days.

#### **IX. POLICY EXCEPTION**

In some cases a youth may not meet one eligibility requirement but still warrant consideration for early release or step down to non-secure placement. In such cases, the staff at the facility may request a policy exception on a case-by-case basis following the procedures outlined below.

- A. A request for a policy exception shall be made to the Facility Director by the Facility Treatment Director, and include all information required in the packet described in Section VIII. C. above.
- B. The recommendation shall be forwarded to the appropriate Regional Director by the Facility Director’s office for their review and approval within ten (10) working days of receipt of the request.
- C. The request shall then be forwarded to Legal Services by the Regional Director for review and recommendation to the Assistant Secretary, then the Deputy Secretary.
- D. If the Deputy Secretary approves, the packet is returned to Legal Services to create the Modification of Disposition within five (5) working days to be filed with the court.
- E. If the request for policy exception is denied at any level noted above, the denial and packet shall be returned to the Facility Director, who shall ensure the youth’s Case Manager counsel’s with the youth within 24 hours, and documents the process in a Weekly Contact Progress Note in JETS within seven (7) working days.

**X. QUALITY ASSURANCE:**

- A. The quality assurance evaluation process for secure care early release and step down to non-secure youth shall follow the established guidelines outlined in YS Policy No. B.2.2, Section XV.
- B. The Facility Treatment Director is ultimately responsible for ensuring that all required monitoring reviews are conducted in a timely manner.
- C. The quality assurance tools authorized by Central Office shall be utilized to conduct the required Case Record reviews. The tools can be accessed through OJJ Share Point by logging on to <http://oydcosps/default.aspx>, and choosing the CQIS tab.

**XI. IMPLEMENTATION DATE:**

The revised procedures associated with this policy shall become effective August 1, 2015.

**Previous Regulation/Policy Number:** B.2.13

**Previous Effective Date:** 11/30/11

**Attachments/References:**